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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,334	02/22/2000	Toshikazu Ohshima	2355.11105	1732

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

WHITE, CARMEN D

ART UNIT PAPER NUMBER

3714

DATE MAILED: 12/02/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/510,334

Applicant(s)

OHSHIMA

Examiner

White, Carmen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 16, 18 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 16, 18 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-11, 13, 16, 18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Latypov (5,846,134) in view of Ahdoot (5,913,727).

Regarding claims 1-9, 18 and 29, Latypov teaches a gaming system that includes a first sensor (4) for detecting a location or posture of a player or user; a second sensor (10) for detecting a location or posture of a body part of a player or user, and a means for estimating and generating action information of the player or user on the basis of a relative location or posture of the body part with respect to the location of posture of the player or user; and image generating means for generating an image of the basis of a user instruction (Figure 1, col. 5, lines 28-43). However, Latypov fails to provide the first sensor as being attached to the body of the player or user.

Ahdoot teaches a gaming system that includes a first sensor for detecting a location or posture of a head of a player and a second sensor for detecting a location or posture of a hand or arm, wherein said first and second sensors may be attached to the body of the player or user at different locations (col. 5, lines 41-67 and col. 6, lines 1-27) and a means for estimating and generating action information of the player or user on the basis of a relative location or posture of the body part with respect to the location of posture of the player or user.

Therefore, to provide Latypov with first and second sensors attached to the body of the player or user as disclosed in Ahdoot would have been obvious to one of ordinary skill in the art to provide more accurate motion detection and enhance the player's virtual gaming experience.

Regarding claim 13, while Latypov teaches a plurality of sensors located on the hand, head, body, feet, etc., the reference fails to disclose the specific sensing of a bent angle of a finger.

However, Ahdoot teaches the use of a glove (that covers the fingers of the player) that contains sensors (Fig. 1, #46). Therefore, it would have been obvious to a person of ordinary skill in the art to include the sensing of the bending of a finger in the hand sensors of Latypov to make the motion detection more accurate and thus make the virtual gaming experience more authentic.

Regarding claim 16, Latypov further teaches a head-mounted display for displaying the image of a game scene (col. 5, lines 13-19).

Response to Arguments

Applicant's arguments filed September 6, 2002 have been fully considered but they are not persuasive. Applicant argues that "the features of estimating a relative position of a second portion of a user with respect to a first portion of the user in accordance with results of detection by first and second sensors attached to the user, generating action information on the basis of the estimated relative position, and

determining a user instruction corresponding to the generation action information and outputting the determined user instruction to an apparatus or program.”

The examiner disagrees with Applicant’s assertion. Latypov clearly discloses in column 5 of the prior art reference that separate and distinct sensors are provide to determine magnitude and direction of movement based on the proximity of the sensors. Further, Ahdoot discloses in columns 5 and 6 of the prior art reference that the separate and distinct sensors are attached to various parts of the player.

Applicant further argues that Ahdoot does not “estimate a relative position of a second portion of the user with respect to a first portion of the user. The examiner once again disagrees. Ahdoot clearly discloses in column 5, lines 62-67 that the various sensors determine position based on the proximity of light signals between sensors.

Finally, both Latypov and Ahdoot provide estimating, generating, determing and image generating means. See Latypov columns 5 and 6 and Ahdoot columns 5 and 6.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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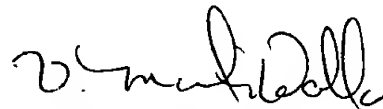
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday – Friday, 8:30 a.m. – 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-308-3579 for After Final communications.



December 2, 2002



VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700